

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Juan Gonzalez, et al.,

NO. C 08-03814 JW

Plaintiffs,

**ORDER TO SHOW CAUSE RE:
DISMISSAL**

v.

DDR Partners, Inc., et al.,

Defendants.


On August 11, 2008, Plaintiffs filed this action against Defendants DDR Partners, Inc. and Western Athletic Clubs, Inc. Pursuant to Fed. R. Civ. P. 4(m), Plaintiffs were required to serve Defendants no later than December 9, 2008. To date, Plaintiffs have not served Defendant Western Athletic Clubs, Inc.

Accordingly, the Court hereby orders Plaintiffs to appear in Courtroom No. 8, 4th Floor, United States District Court, 280 South First Street, San Jose, Ca. on **May 18, 2009 at 9:00 a.m.** to show cause, if any, by actual appearance in Court, and by certification filed with the Court at least ten (10) days prior to appearance date, why Plaintiffs' causes of action against Western Athletic Clubs, Inc. should not be dismissed for failure to provide timely service of process in accordance with Fed. R. Civ. P. 4(m). The certificate shall set forth in factual summary the reason Plaintiffs have failed to serve Western Athletic Clubs, Inc. and the steps Plaintiffs are taking to pursue the action as to Western Athletic Clubs, Inc.

1 If Plaintiff fails to file the certification on or before **May 8, 2009**, the May 18, 2009, hearing
2 will be vacated automatically and the case against Defendant Wester Athletic Clubs, Inc. will be
3 dismissed for lack of prosecution pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

4 Failure to comply with any part of this Order will be deemed sufficient grounds to dismiss
5 this action.

6
7 Dated: April 23, 2009



JAMES WARE
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 Adam Wang adamqwang@gmail.com
3 Eric Meckley emeckley@morganlewis.com
4 Steven Kyle Ganotis sganotis@morganlewis.com

5 **Dated: April 23, 2009**

Richard W. Wieking, Clerk

6 **By: /s/ JW Chambers**
7 **Elizabeth Garcia**
8 **Courtroom Deputy**